

United States
Circuit Court of Appeals
For the Ninth Circuit 7

LUTHER WEEDIN, United States Commissioner
of Immigration at the Port of Seattle, Wash-
ington,

Appellant,

vs.

UNG SUE CHU,

Appellee.

Transcript of Record

Upon Appeal from the United States District Court
for the Western District of Washington,
Northern Division.

FILED

SEP 28 1932

PAUL P. O'BRIEN,

CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF COUNSEL.

MESSRS. ANTHONY SAVAGE and HAMLET
P. DODD, Attorneys for Appellant,
307 Federal Building, Seattle Washington.
MR. FRED H. LYSONS, Attorney for Appellee,
1400 Alaska Building, Seattle, Washington. [1]*

In the United States District Court, for the Western
District of Washington, Northern Division.

No. 20,630

In the Matter of the Application of

UNG BING QUONG

for a Writ of Habeas Corpus on behalf of
UNG SUE CHU.

PETITION FOR WRIT OF HABEAS CORPUS.

To the Honorable Judge of the above Court:

Comes now your petitioner, Ung Bing Quong as
the father and next friend of Ung Sue Chue, and
respectively represents and shows:

I.

That said Ung Sue Chu, born in China, arrived
in the United States at the Port of Seattle, on the
Steamship "President Cleveland," on or about Sep-
tember 22, 1931, from China, and then and there
made application to the Commissioner of Immigra-
tion at said Port for admission to the United States

*Page numbering appearing at the foot of page of original certified
Transcript of Record.

as the minor son of your petitioner Ung Bing Quong, a domiciled Chinese merchant.

II.

That in accordance with law and the rules and regulations governing the admission of Chinese to the United States, there was then and there assembled and organized a board of special inquiry to inquire into the right of said Ung Sue Chu of admission to the United States, and upon his hearing for admission under his said application, and full and complete investigation thereunder, said board made its finding and decision that the said Ung Sue Chu was a minor under the age of twenty-one years and was the son of your petitioner Ung Bing Quong, who for more than one year prior thereto had been and then was a domiciled Chinese merchant with an established place of business at No. 515 Eighth Avenue South, Seattle, Washington, which said findings and decision were then and there in all things approved by the Honorable Commissioner of Immigration at said Port.

III.

That notwithstanding said finding and decision said board of special inquiry and said Commissioner denied admission to the United States of said Ung Sue Chu under the pretext and alleged ground that his said application for admission, presented by him upon his arrival, was without vise, or endorsement or approval of the United States Consul at

Shanghai, from which port said Ung Sue Chu had embarked on said Steamship destined to the Port of Seattle, as aforesaid, and [2] said Commissioner thereupon ordered and directed his deportation to China.

IV.

That said Ung Sue Chu duly appealed to the Honorable Secretary of Labor from said decision and order, and on or about January 11, 1932, said appeal was by the said Secretary of Labor dismissed and said order of deportation affirmed.

V.

That notwithstanding the right of admission to the United States of the said Ung Sue Chu under the facts as above set forth, he is now detained, imprisoned, confined and restrained of his liberty by the Honorable Luther Weedon as United States Commissioner at and for the Port of Seattle at and in the immigration station in the City of Seattle, County of King, State of Washington, in the district aforesaid, and within the jurisdiction of this court, said detention, imprisonment, confinement and restraint being for the pretended and purported reason that said Ung Sue Chun was not entitled to admission to the United States without the Consular vise, endorsal or approval, as aforesaid.

VI.

That said detention, imprisonment, confinement and constraint is not upon or under any process

issued by any final judgment of a court of competent jurisdiction, nor for contempt of any court officer of body having authority in the premises to commit, nor upon a warrant issued from this court or any other court upon any indictment or information.

WHEREFORE your petitioner prays that an order be issued herein directing the said Honorable Luther Weedin as Commissioner of Immigration, as aforesaid, ordering and commanding him to appear and show cause in this court at a time to be fixed in said order, why a writ of habeas corpus should not issue herein, and to do and receive what shall then and there be considered concerning the said Ung Sue Chu, and that upon the hearing upon said order to show cause a writ of habeas corpus may issue, directed to the said Honorable Luther Weedin, as aforesaid, commanding him to have the body of said Ung Sue Chu before the Honorable Judge of this court at the Federal Building in the City of Seattle, at such time as in the said order may be fixed, to do and receive what shall then and there be considered concerning said Ung Sue Chu, together with the statement and time and cause of his said detention.

FRED H. LYSONS,

Attorney for your Petitioner. [3]

State of Washington,
County of King.—ss.

Ung Bing Quong, being first duly sworn on oath deposes and says: That he is the above-named peti-

tioner; that he has read the foregoing petition, knows the contents thereof and believes the same to be true and correct.

UNG BING QUONG.

Subscribed and sworn to before me this 20 day of January, 1932.

[Seal]

FRED H. LYSONS,

Notary Public in and for State of Washington, residing at Seattle.

[Endorsed]: Filed Jan. 21, 1932. Ed. M. Lakin, Clerk. [4]

[Title of Court and Cause.]

ORDER TO SHOW CAUSE.

Upon reading and filing the petition of Ung Bing Quong on behalf of Ung Sue Chu, wherein it is made to appear that said Ung Sue Chu is wrongfully and illegally confined and restrained of his liberty by the Hon. Luther Weedon as Commissioner of Immigration at the United States Immigration Station at Seattle, Washington, and stating wherein said illegality consists; now, therefore, it is by the Court

ORDERED that the said Hon. Luther Weedon as Commissioner of Immigration, as aforesaid, show cause before this court on the 1st day of February, 1932, at ten o'clock A. M., or as soon thereafter as said petition may be heard, why a writ of habeas corpus should not issue herein, and why said Ung

Sue Chu should be further restrained of his liberty; and it is further

ORDERED that the petitioner forthwith deposit with the said Commissioner of Immigration at Seattle, Washington, the sum of \$100.00 as board and maintenance charges of the said Ung Sue Chu pending further hearing.

DONE IN OPEN COURT this 21 day of January, 1932.

JEREMIAH NETERER,
Judge.

[Endorsed]: Filed Jan. 21, 1932. Ed. M. Lakin,
Clerk. [5]

[Title of Court and Cause.]

RETURN TO ORDER TO SHOW CAUSE.

To the Honorable Jeremiah Neterer, Judge of the
District Court of the United States for the
Western District of Washington:

Comes now the respondent, Luther Weedin, United States Commissioner of Immigration at the port of Seattle, Washington, and, for answer and return to the Order to Show Cause entered herein, certifies and shows to this court that the said Ung Sue Chu, alias Ung Suey Chu, was detained by this respondent at the time he arrived at the port of Seattle, Washington, to wit: September 22, 1931, as an alien Chinese person not entitled to admission into the United States under the laws of the United

States, pending a decision on his application for admission as a minor son of a lawfully domiciled Chinese merchant; that, after a hearing before a legally constituted Board of Special Inquiry at the Seattle, Washington, Immigration Station, the application of the said Ung Sue Chu, alias Ung Suey Chu, for admission into the United States was denied by the said Board of Special Inquiry for the reason that he had not presented to the said Board of Special Inquiry a passport, or any official document in the nature of a passport, visaed or authenticated by an American consular officer, or a visaed affidavit prepared on application form of the State Department for non-immigrant visas, or any consular visa of any description, as required by (1) Rule 2, Par. 2-A of the rules governing the admission of Chinese issued by the Secretary of Labor October 1, 1926; (2) Rule 3, Subdivision F, Par. 2, of the Immigration Rules issued by the Secretary of Labor January 1, 1930; (3) Paragraph II of the President's Proclamation of February 21, 1928, designated as Executive Order No. 4813; that the said Ung Sue Chu, alias Ung Suey Chu, appealed from the decision of the Board of Special Inquiry to the Secretary of Labor; that his appeal was dismissed by the Secretary of Labor and his return to China directed; [6] that, since the final decision of the Secretary of Labor, this respondent has held, and now holds and detains, the said Ung Sue Chu, alias Ung Suey Chu, for deportation to China as an alien Chinese person not entitled to admission into the

United States under the laws of the United States, and subject to deportation to China under the laws of the United States.

The original record of the Department of Labor, and all exhibits, both on the hearing before the Board of Special Inquiry at the Seattle, Washington, Immigration Station, and on the submission of the record on the appeal to the Secretary of Labor, in the matter of the application of Ung Suey Chu for admission into the United States, are attached hereto and made a part and parcel of this Return as fully and completely as though set forth herein in detail.

WHEREFORE, respondent prays that the petition for a Writ of Habeas Corpus be denied.

LUTHER WEEDIN.

United States of America,
Western District of Washington,
Northern Division.—ss.

Luther Weedin, being first duly sworn, on oath deposes and says: That he is United States Commissioner of Immigration at the port of Seattle, Washington, and the respondent named in the foregoing Return; that he has read the foregoing Return, knows the contents thereof and believes the same to be true.

LUTHER WEEDIN.

Subscribed and sworn to before me this 28th day of January, 1932.

[Notary's Seal]

D. L. YOUNG,

Notary Public in and for the State of Washington, residing at Seattle, Washington.

[Endorsed]: Filed Feb. 5, 1932. Ed. M. Lakin, Clerk. [7]

[Title of Court and Cause.]

DECISION GRANTING WRIT.

FRED H. LYSON, Esq., For Petitioner.

ANTHONY SAVAGE, U. S. Atty.,

HAMLET P. DODD, Asst. U. S. Atty.,

For United States.

NETERER, District Judge:

The writ in this case must issue. The congested condition of business precludes my preparing a formal opinion, but suffice it to say that the petitioner is within the treaty stipulations. In re Gue Lim, 176 U. S. 459; In re Cheung Sum Shee, 268 U. S. 336. And the treaty stipulations may not be avoided or set aside by Presidential proclamation or promulgation of any rule by the Department, but only by expressed act of the Congress, clearly manifesting such intent. There is nothing in the record which brings this case within the exception. The writ is granted.

NETERER,

United States District Judge.

[Endorsed]: Filed Feb. 15, 1932. Ed. M. Lakin,
Clerk. [8]

[Title of Court and Cause.]

ORDER GRANTING WRIT OF HABEAS
CORPUS.

This matter coming duly and regularly on for hearing on the petition of Ung Bing Quong for a writ of habeas corpus on behalf of Ung Sue Chu, the petitioner appearing by his attorney, Fred H. Lysons, and respondent appearing by Hamlet P. Dodd, Assistant United States Attorney; and the court having theretofore issued its order to the Hon. Luther Weedin, as United States Commissioner of Immigration at the Port of Seattle, against whom said petition was directed, to show cause why said petition should not be granted; and it appearing to the court after due consideration that no sufficient cause has been shown for or on behalf of said Commissioner of Immigration, and it satisfactorily appearing to the court that said writ should issue as prayed for in the petition, it is now by the court

ORDERED that a Writ of Habeas Corpus issue herein out of and under the seal of this court, directed to said respondent, Hon. Luther Weedin, Commissioner of Immigration, as aforesaid, commanding him to have the body of the said Ung Sue Chu before this court on the 19th day of February, 1932, at the hour of 2 o'clock P. M., then and there

to do and receive what shall be considered concerning said Ung Sue Chu.

Done in open court this 18 day of February, 1932.

JEREMIAH NETERER,

Judge.

O. K. as to form.

Hamlet P. Dodd,

Assistant United States Attorney.

[Endorsed]: Filed Feb. 18, 1932, Ed. M. Lakin,
Clerk. [9]

[Title of Court and Cause.]

WRIT OF HABEAS CORPUS.

The President of the United States of America:
To Luther Weedin, Commissioner of Immigration,
Seattle, Washington.

GREETING:

WE COMMAND YOU, that you have the body of Ung Sue Chu by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention by whatsoever name said Ung Sue Chu shall be called or charged, before the Hon. Jeremiah Neterer, United States District Judge for the Western District of Washington, at Seattle, Washington, in the City of Seattle, in the Northern Division of said Western District of Washington, on the 19th day of February, A. D. 1932, at 2 o'clock in the afternoon,

to do and receive what shall then and there be considered concerning the said Ung Sue Chu. And have you then and there this writ.

WITNESS the Hon. Jeremiah Neterer, Judge of the United States District Court for the Western District of Washington this 18th day of February in the year of our Lord one thousand nine hundred and thirty-two.

[Seal]

ED. M. LAKIN, Clerk,
By S. Cook, Deputy Clerk.

FRED LYSONS,

Attorney for Petitioner. [10]

RETURN ON SERVICE OF WRIT.

United States of America,
Western District of Washington.—ss.

I hereby certify and return that I served the annexed writ of habeas corpus on the therein-named Luther Weedin, by handing to and leaving a true and correct copy thereof with J. P. Dunton, Chief Inspector Immigration Dept., personally at Seattle, in said District on the 19th day of Feb. A. D. 1932.

CHAS. E. ALLEN,

U. S. Marshal.

By J. M. Green,

Deputy.

Fees and Expn. \$2.20. [11]

[Title of Court and Cause.]

RETURN TO WRIT.

To the HONORABLE JEREMIAH NETERER,
Judge of the district Court of the United States
for the Western District of Washington:

Comes now Luther Weedin, United States Commissioner of Immigration at the port of Seattle, Washington, and, for return to the writ of habeas corpus heretofore served upon him, herewith produces in court the body of Ung Sue Chu, and shows and certifies to this court that the statements of facts in the return to the order to show cause, heretofore filed herein, are true and correct, and by reference thereto same are made a part of this return, as fully and completely as though set forth herein in detail.

WHEREFORE, having made a full and complete return and certificate as to the manner and authority by which the said Ung Sue Chu is held, Luther Weedin, United States Commissioner of Immigration, who makes this return prays this court for an order quashing the writ of habeas corpus heretofore entered.

LUTHER WEEDIN,
United States Commissioner of Immigration.

United States of America,
Western District of Washington,
Northern Division.—ss.

Luther Weedin, being first duly sworn, on oath deposes and says: That he is United States Commissioner of Immigration at the port of Seattle, Washington; that he has read the foregoing return, knows the contents thereof and believes the same to be true.

LUTHER WEEDIN.

Subscribed and sworn to before me this 19th day of February, 1932.

[Notary's Seal]

D. L. YOUNG,

Notary Public in and for the State of Washington, residing at Seattle, Washington.

[Endorsed]: Filed Feb. 19, 1932. Ed. M. Lakin, Clerk. [12]

In the United States District Court for the Western
District of Washington, Northern Division.

No. 20,630.

In the Matter of the Application of

UNG BING QUONG,

for a Writ of Habeas Corpus on behalf
of UNG SUE CHU.

JUDGMENT AND ORDER.

This matter coming on regularly for hearing upon the Writ of Habeas Corpus heretofore issued

herein, commanding the respondent, Hon. Luther Weedin, as United States Commissioner of Immigration at the Port of Seattle, Washington, to have the body of Ung Sue Chu before this court on the 19th day of February, 1932, at 2 o'clock P. M. of said day, then and there to do and receive what shall then and there be considered concerning the said Ung Sue Chu, said petitioner appearing by Fred H. Lysons, his attorney, and said respondent appearing by Hamlet P. Dodd, Assistant United States Attorney; and the court upon the hearing of the show cause order theretofore issued herein, having by its decision found and determined that the said Ung Sue Chu was lawfully entitled to enter the United States, and that the respondent was without lawful right or authority to deny him the right to so enter, and ordering that a Writ of Habeas Corpus issue as prayed for by petitioner on behalf of said Ung Sue Chu, and now on motion of counsel for petitioner and no good and sufficient cause to the contrary appearing, and the law and the premises being by the court duly considered, it is now by the court

ORDERED AND ADJUDGED:

1. That said Ung Sue Chu is illegally restrained and deprived of his liberty at the Immigration station of Seattle, Washington, by Hon. Luther Weedin as United States Commissioner of Immigration, at said port.

2. That said respondent be and he is hereby ordered and directed to release and discharge the

said Ung Sue Chu from custody and restore him to his liberty upon his filing with the Clerk of this Court a good and sufficient undertaking in the penal sum of \$1000.00, to be approved by the court, conditioned that in the event an appeal be taken from this order and judgment by respondent to the United States Circuit Court of Appeals for the Ninth Circuit, he will at all times during the pendency of said appeal render himself amenable to the orders of this court and of said court of appeals, and will abide all orders and judgments made or rendered upon said appeal. [13]

Done in open court this 19th day of February, 1932.

JEREMIAH NETERER.

O. K. as to form.

Hamlet P. Dodd,
Assistant United States Attorney.

[Endorsed]: Filed Feb. 19, 1932. Ed. M. Lakin,
Clerk. [14]

[Title of Court and Cause.]

NOTICE OF APPEAL.

To Ung Bing Quong, and to Fred H. Lysons, Esq.,
his attorney:

You, and each of you, are hereby notified that Luther Weedin, as United States Commissioner of Immigration at the Port of Seattle, Washington, the respondent in the above-entitled cause, hereby

and now appeals from that certain Judgment and Order made herein by the above-entitled court on the 19th day of February, 1932, ordering and adjudging that the above-named Ung Sue Chu be discharged from the custody of the said United States Commissioner of Immigration, and from the whole thereof, to the United States Circuit Court of Appeals for the Ninth Circuit.

ANTHONY SAVAGE,

United States Attorney.

TOM DeWOLFE,

Assistant United States Attorney,
Attorneys for Respondent.

Received a copy of the within notice this 9th day of May, 1932.

Fred H. Lysons,

Attorney for Ung Bing Quong.

[Endorsed]: Filed May 9, 1932. Ed. M. Lakin,
Clerk. [15]

[Title of Court and Cause.]

PETITION FOR APPEAL.

Luther Weedin, United States Commissioner of Immigration at the Port of Seattle, Washington, the respondent in the above-entitled cause, deeming himself aggrieved by the Judgment and Order entered herein on the 19th day of February, 1932, does hereby appeal from the said Judgment and Order to the United States Circuit Court of Appeals for the Ninth Circuit, and prays that a tran-

script and record of the proceedings and papers upon which the said Judgment and Order was made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial District of the United States.

ANTHONY SAVAGE,

United States Attorney.

TOM DeWOLFE,

Assistant United States Attorney,
Attorneys for Respondent.

Received a copy of the within Petition this 9th day of May, 1932.

Fred H. Lysons,

Attorney for Petitioner.

[Endorsed]: Filed May 9, 1932. Ed. M. Lakin,
Clerk. [16]

[Title of Court and Cause.]

ASSIGNMENTS OF ERROR.

I.

The Court erred in holding and deciding that a Writ of Habeas Corpus be awarded to the above-named Ung Sue Chu.

II.

The Court erred in ordering and adjudging that the above-named Ung Sue Chu be discharged from the custody of Luther Weedin, as United States Commissioner of Immigration at the Port of Seattle, Washington.

III.

The Court erred in holding and adjudging that the above-named Ung Sue Chu was not subject to exclusion and deportation, but was entitled to come into, and remain in, the United States.

ANTHONY SAVAGE,
United States Attorney.

TOM DeWOLFE,
Assistant United States Attorney,
Attorneys for Respondent.

Received a copy of the within Assignment of Errors this 9th day of May, 1932.

Fred H. Lysons,
Attorney for Ung Bing Quong.

[Endorsed]: Filed May 9, 1932. Ed. M. Lakin,
Clerk. [17]

[Title of Court and Cause.]

ORDER ALLOWING APPEAL.

Now, to-wit, on this 9th day of May, 1932, it is hereby ORDERED that the appeal be allowed as prayed for.

Done in open Court this 9th day of May, 1932.

JEREMIAH NETERER,
United States District Judge.

Received a copy of the within Order this 9th day of May, 1932.

Fred H. Lysons,
Attorney for Petitioner.

[Endorsed]: Filed May 9, 1932. Ed. M. Lakin,
Clerk. [18]

[Title of Court and Cause.]

BOND ON APPEAL.

KNOW ALL MEN BY THESE PRESENTS:

That we, Ung Bing Quong and Ung Sue Chu, as principals, and United States Fidelity and Guaranty Co., as surety, hereby acknowledge ourselves, jointly and severally bound unto the United States of America in the penal sum of One Thousand Dollars (\$1000.00), lawful money of the United States, for the payment of which well and truly to be made we bind ourselves, and each of us, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Dated at Seattle, Washington, this 19th day of February, 1932.

The condition of the above obligation is such, that

WHEREAS, in a proceeding pending in the District Court of the United States for the Western District, Northern Division, entitled as above, such proceedings were had that on the 20th day of February, 1932, an order and judgment was duly made and entered therein that the above bounden Ung Sue Chu was illegally restrained of his liberty by Luther Weedin as United States Commissioner of Immigration at Seattle, Washington, and ordering

and directing the said Luther Weedin to release the said Ung Sue Chu from custody and restore him to liberty upon his filing with the clerk of said court a good and sufficient undertaking in the sum of One Thousand Dollars, conditioned that in the event an appeal was prosecuted by said Weedin from said judgment to the United States Circuit Court of Appeals for the Ninth Circuit, he would render himself amenable to and would abide all orders and judgments of said Circuit Court of Appeals and of said District Court.

NOW, THEREFORE, in the event of said appeal being prosecuted, and the said Ung Sue Chu well and truly rendering himself amenable to, and abide all orders and judgments of said Circuit Court of Appeals, and of said District Court, then this obligation to be null and void and of no effect, otherwise to remain in full force and virtue.

UNG BING QUONG

(Signature in Chinese),

Principals.

Witnesses:

FRED H. LYSONS,

LOOK HAM.

[Seal] UNITED STATES FIDELITY AND
GUARANTY COMPANY.

C. H. CAMPBELL,

Attorney-in-fact,

Surety.

O. K.

HAMLET P. DODD,

Assistant United States District Attorney.

Approved, this 19th day of February, 1932.

JEREMIAH NETERER,

Judge.

[Endorsed]: Filed Feb. 19, 1932. Ed. M. Lakin,
Clerk. [19]

[Title of Court and Cause.]

STIPULATION FOR TRANSMISSION OF
ORIGINAL RECORD.

It is hereby stipulated by and between counsel for the petitioner and for the United States Commissioner of Immigration that the certified immigration file and the other records of the Department of Labor, covering the exclusion and deportation proceedings against UNG SUE CHU, which were filed with the Return of the United States Commissioner of Immigration to the Order to Show Cause, may be transmitted with the appellate record in this cause, and may be considered by the United States Circuit Court of Appeals in lieu of a certified copy of the said immigration file and records of the Department of Labor.

FRED H. LYSONS,

Attorney for Petitioner.

ANTHONY SAVAGE,

United States Attorney,

HAMLET P. DODD,

Assistant United States Attorney,
Attorneys for the United States
Commissioner of Immigration.

Received a copy of the within Stipulation this 12th day of May, 1932.

FRED H. LYSONS,
Attorney for Petitioner.

[Endorsed]: Filed May 16, 1932. Ed. M. Lakin,
Clerk. [20].

[Title of Court and Cause.]

ORDER FOR TRANSMISSION OF
ORIGINAL RECORD.

Upon stipulation of counsel, it is by the Court ORDERED, and THE COURT DOES HEREBY ORDER, that the Clerk of the above-entitled court transmit with the appellate record in said cause the original file and records of the Department of Labor covering the exclusion and deportation proceedings against Ung Sue Chu, which were filed with the Return of the United States Commissioner of Immigration to the Order to Show Cause, directly to the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, in order that the said original file and records may be considered by the said Circuit Court of Appeals in lieu of a certified copy of same.

Done in open court this 16th day of May, 1932.

EDWARD E. CUSHMAN,
United States District Judge.

Received a copy of the within Order this 12th day of May, 1932.

FRED H. LYSONS,
Attorney for Petitioner.

[Endorsed]: Filed May 16, 1932. Ed. M. Lakin,
Clerk. [21]

[Title of Court and Cause.]

PRAECIPE FOR APPELLANT FOR TRAN-
SCRIPT OF RECORD ON APPEAL.

To the Clerk of the above-entitled court:

You will please prepare and duly authenticate the transcript and following portions of the record in the above-entitled cause for appeal of the appellant, heretofore allowed, to the United States Circuit Court of Appeals for the Ninth Circuit:

1. Petition for Writ of Habeas Corpus.
2. Order to Show Cause.
3. Return to Order to Show Cause.
4. Memorandum Decision Filed February 15, 1932.
5. Order Granting Writ of Habeas Corpus.
6. Writ of Habeas Corpus.
7. Return to Writ of Habeas Corpus.
8. Judgment and Order Discharging the Petitioner.
9. Bond.
10. Petition for Appeal.
11. Order Allowing Appeal.

12. Notice of Appeal.
13. Assignments of Error.
14. Citation.
15. Stipulation for Transmission of Original Record.
16. Order for Transmission of Original Record.
17. This Praecept.

ANTHONY SAVAGE,
United States Attorney,
HAMLET P. DODD,
Assistant United States Attorney,
Attorneys for Appellant.

Received a copy of the within Praecept this 12th day of May, 1932.

FRED H. LYSONS,
Attorney for Petitioner.

[Endorsed]: Filed May 16, 1932. Ed. M. Lakin,
Clerk. [22]

[Title of Court and Cause.]

CERTIFICATE OF CLERK U. S. DISTRICT
COURT TO TRANSCRIPT OF RECORD.

United States of America,
Western District of Washington.—ss.

I, Ed. M. Lakin, Clerk of the United States District Court for the Western District of Washington, do hereby certify this typewritten transcript of record, consisting of pages numbered from 1 to 22,

inclusive, to be a full, true, correct and complete copy (except for omissions of title of court and cause) of so much of the record, papers and other proceedings in the above entitled cause as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said District Court at Seattle, and that the same constitute the record on appeal herein from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses, costs, fees and charges incurred in my office by or on behalf of the appellant for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit in the above-entitled cause, to wit:

	[23]
Clerk's fees (Act Feb. 11, 1925) for making	
record, certificate or return, 49 folios at 15¢	\$ 7.35
Appeal fee (Section 5 of Act)	5.00
Certificate of Clerk to Transcript of Record	.50
Certificate of Clerk to Original Exhibits	.50
	\$13.35

I hereby certify that the above cost for preparing and certifying record, amounting to \$13.35 has not been paid to me for the reason that said appeal is being prosecuted by the United States Government.

I further certify that I attach hereto and transmit herewith the original citation on appeal issued in this cause.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said District Court at Seattle, in said District, this 23d day of May, 1932.

ED. M. LAKIN,
Clerk of the United States District Court for
the Western District of Washington,
By T. W. EGGER,
Deputy. [24]

[Title of Court and Cause.]

CITATION ON APPEAL.

The United States of America.—ss.

To Ung Sue Chu, Greeting:

WHEREAS, Luther Weedin, United States Commissioner of Immigration at the port of Seattle, Washington, has lately appealed to the United States Circuit Court of Appeals for the Ninth Circuit from the Judgment and Order lately, to wit: on the 19th day of February, 1932, made in the District Court of the United States for the Western District of Washington, Northern Division, in favor of you, ordering, adjudging and decreeing that Ung Sue Chu be released from the custody of the said Luther Weedin, as such United States Commissioner of Immigration, and setting him at large.

YOU ARE THEREFORE CITED TO APPEAR before the United States Circuit Court of Appeals in the city of San Francisco, State of California, on the 8th day of June next, to do and receive what may obtain, to justice to be done in the premises.

GIVEN UNDER MY HAND in the city of Seattle, Washington, in the Ninth Circuit, this 9th day of May, in the year of our Lord nineteen hundred and thirty-two, and the Independence of the United States the one hundred and fifty-seventh.

[Seal]

JEREMIAH NETERER,

Judge of the United States District Court for
the Western District of Washington.

Received a copy of the within Citation this 9th day of May, 1932.

FRED H. LYSONS,

Attorney for Ung Bing Quong Chu.

[Endorsed]: Filed May 9, 1932. Ed. M. Lakin,
Clerk. [25]

[Endorsed]: No. 6855. United States Circuit Court of Appeals for the Ninth Circuit. Luther Weedon, United States Commissioner of Immigration at the Port of Seattle, Washington, Appellant, vs. Ung Sue Chu, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Western District of Washington, Northern Division.

Filed May 26, 1932.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of
Appeals for the Ninth Circuit.

